

## **REMARKS**

Reconsideration and Allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-7 are pending.

Claims 1, 3, 4, and 5 have been amended.

Claims 6 and 7 are newly added.

Claim 2 has been cancelled

### **Regarding the Specification**

The abstract of the disclosure was objected to because it is written in a form of a claim language. Applicant has amended the Abstract so that it is more clear and not in claim language format. Applicant respectfully requests that the objections to the specifications be withdrawn.

### **Regarding the Claim Objections**

Claims 1-3 were objected to because of various informalities. Applicant again appreciates the Examiner's careful reading of the claims and has amended the claims in accordance with the Examiner's suggestions. Applicant respectfully requests that the claim objections be withdrawn.

### **Regarding the § 112 Rejection**

Claims 1-5 were rejected under 35 USC § 112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims so that they are definite and particularly point

out and distinctly claim the subject matter that the applicant regards as the invention. As such, Applicant respectfully requests that the § 112 rejection be withdrawn.

**Regarding to § 102 Rejection**

Claims 1 and 2 were rejected under 35 USC § 102(b) for being anticipated by Bray (U.S. Patent No. 2,946,123). Bray teaches a hair clipper apparatus. The Bray hair clipper uses suction via a suction device 15, 16 for drawing off cut pieces of hair. A valve 19 controls the amount suction or air flow through the passageway 18. The pivoting valve 19 is held at a maximum opening amount by a pin or screw member 20 (see column 1, lines 60-68) that can be manually adjusted by a user of the Bray device. Bray does not teach or anticipate the usage of a spring which interacts with an adjustable section of channel wall. Bray does not teach, allude to or anticipate “a varier means for varying said flow rate in said vicinity of said cutting device; and wherein said varier means comprises a spring that interacts with an adjustable section of said at least one channel wall wherein said adjustable section moves in a linear direction in response to contact with the hair to be cut and adjusts said flow rate in said vicinity of said cutting device.”

Claim 1 has been amended to recite, among other things, “a varier means for varying said flow rate in said vicinity of said cutting device; and wherein said varier means comprises a spring that interacts with an adjustable section of said at least one channel wall wherein said adjustable section moves in a linear direction in response to contact with the hair to be cut and adjusts said flow rate in said vicinity of said cutting device” Applicant submits that Bray does not anticipate such an adjustable section of channel wall interacting with a spring and respectfully request that the § 102 rejection be withdrawn. Applicant submits that independent claim 1 is ready for allowance.

Applicant respectfully points out that claim 2 has been cancelled and therefore submits that the rejection of claim 2 is now moot.

Claims 1-3 were rejected under 35 USC § 102(b) for being anticipated by Severson (U.S. Patent No. 1,506,139). Severson teaches a hood or guard 37 that shields the cutting element 14, 16, and 17. The Severson hood or guard pivots against the action of a spring 41 to provide a cover or guard of the cutting blades, meanwhile an air suction flow draws the hair to be cut into the cutting blades. See Severson, lines 85-94. Severson does not teach an adjustable section of channel wall that interacts with a spring and moves in a linear direction. Severson does not teach allude to or anticipate “a varier means for varying said flow rate in said vicinity of said cutting device; and wherein said varier means comprises a spring that interacts with an adjustable section of said at least one channel wall wherein said adjustable section moves in a linear direction in response to contact with the hair to be cut and adjusts said flow rate in said vicinity of said cutting device.” Applicant respectfully points out that Severson makes no mention of adjusting an airflow rate. Applicant respectfully requests that this § 102 rejection be withdrawn and submits that claim 1 is ready for allowance.

Claim 2 has been cancelled and claim 3 is directly dependent upon claim 1 and is therefore not anticipated by Severson for at least the same reasons as stated above with respect to Claim 1.

#### **Regarding the § 103 Rejection**

Claims 4 and 5 were rejected under 35 USC § 103(a) being rendered obvious by Severson in view of Woodward (U.S. Patent No. 2,496,613). Applicant respectfully submits that the additional reference does not remedy the inadequacies of Severson, which have been discussed above with respect to this § 102 rejection. In particular, none of the references teach,

allude to, or render obvious the use of a “varier means for varying said flow rate in said vicinity of said cutting device; and wherein said varier means comprises a spring that interacts with an adjustable section of said at least one channel wall wherein said adjustable section moves in a linear direction in response to contact with the hair to be cut and adjusts said flow rate in said vicinity of said cutting device.” As such, applicant respectfully requests that the § 103 rejection be withdrawn and submits that claims 4 and 5 are ready for allowance.

**Regarding the New Claims**

New claims 6 and 7 have been added to further claim element combinations of the present invention that Applicant submits are patentable.

In view of the above amendments, Applicant believes the pending application is in condition for allowance and requests that an early Notice of Allowance is provided.

Dated: August 21, 2006

Respectfully submitted,

By: /srg/  
Steven R. Greenfield  
Registration No.: 38,166  
Howison & Arnott LLP  
Two Lincoln Center 5420 LBJ Freeway, Suite 660  
Dallas, Texas 75240-2318  
(972) 680-6058  
Attorneys For Applicant